

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 139

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO THE STATE PERSONNEL SYSTEM; AMENDING SECTION 67-5334, IDAHO CODE, TO PROVIDE THAT AN EMPLOYEE MAY DONATE SICK LEAVE IN ADDITION TO VACATION LEAVE AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-5334, Idaho Code, be, and the same is hereby amended to read as follows:

67-5334. VACATION TIME. (1) Vacation time shall be computed as follows:

(a) Vacation time shall not accrue to any officer or employee on any kind of leave of absence without pay, suspension without pay or layoff. Vacation leave shall accrue while an officer or employee is on approved leave with pay, on approved vacation leave, on approved military leave with pay, and on approved sick leave, but not when compensatory time is taken.

(b) The rate per hour at which vacation leave shall accrue to eligible classified officers and employees earning credited state service who are covered and nonexempt under the federal fair labor standards act, 29 U.S.C. ~~section~~ 201, et seq., shall be at the rate represented by the proportion 96/2080 during the first ten thousand four hundred (10,400) hours of credited state service; at the rate represented by the proportion 120/2080 during the second ten thousand four hundred (10,400) hours of credited state service; at the rate represented by the proportion 144/2080 during the third ten thousand four hundred (10,400) hours of credited state service; and at the rate represented by the proportion 168/2080 thereafter.

(c) Classified officers and employees earning credited state service and defined as an exempt "professional," "administrative," "computer worker" under the federal fair labor standards act, 29 U.S.C. ~~section~~ 201, et seq., or who are designated as exempt under any other complete exemption in federal law shall be at the rate represented by the proportion 120/2080 during the first ten thousand four hundred (10,400) hours of credited state service; at the rate represented by the proportion 144/2080 during the second ten thousand four hundred (10,400) hours of credited state service; and at the rate represented by the proportion 168/2080 thereafter.

(d) Classified officers and employees earning credited state service and defined as an exempt "executive" under section 67-5302, Idaho Code, shall be at the rate represented by the proportion 200/2080.

(2) Eligibility and use of vacation time shall be determined as follows:

1 (a) An appointing authority shall permit each officer or employee to
2 take vacation leave to the extent such leave has accrued.

3 (b) Vacation leave may be accrued and accumulated only as follows,
4 unless amounts in excess of the permitted accumulations have been ex-
5 pressly authorized in writing by the board of examiners during unusual
6 or emergency situations:

7 During the first ten thousand four hundred (10,400) hours of cred-
8 ited state service, vacation leave may be accrued and accumulated to a
9 maximum of one hundred ninety-two (192) hours; employees classified as
10 "executive" under section 67-5302, Idaho Code, may accrue and accumu-
11 late vacation leave to a maximum of two hundred (200) hours during this
12 period;

13 During the second ten thousand four hundred (10,400) hours of cred-
14 ited state service, vacation leave may be accrued and accumulated to a
15 maximum of two hundred forty (240) hours;

16 During the third ten thousand four hundred (10,400) hours of credited
17 state service, vacation leave may be accrued and accumulated to a maxi-
18 mum of two hundred eighty-eight (288) hours;

19 After thirty-one thousand two hundred (31,200) hours of credited
20 state service, vacation leave may be accrued and accumulated to a max-
21 imum of three hundred thirty-six (336) hours.

22 (c) Vacation leave shall be transferable from department to department
23 only to the extent that it is accrued and accumulated.

24 (d) Vacation leave shall not be earned, accrued or accumulated during
25 any pay period in which the maximum accruals and accumulations provided
26 by this section have been met.

27 (e) Vacation leave not taken shall be compensated for at the time of
28 separation only to the maximum accruals and accumulations allowed by
29 this section.

30 (f) Vacation leave shall be taken on a workday basis. Regularly sched-
31 uled days off and officially designated holidays falling within a pe-
32 riod of vacation leave shall not be counted against vacation leave. Va-
33 cation leave shall not be taken in advance of being earned and shall only
34 be taken in pay periods subsequent to being earned.

35 (g) With the approval of the appointing authority for both the trans-
36 ferring and receiving officer or employee, an officer or employee may
37 transfer accrued vacation or sick leave, up to a maximum of eighty (80)
38 hours per fiscal year, to another officer or employee for purposes of
39 sick leave in the event the receiving officer or employee or a family
40 member suffers from a serious illness or injury. The amount transferred
41 shall be converted to sick leave. An officer or employee shall not be
42 allowed to receive more than one hundred sixty (160) hours of trans-
43 ferred leave per fiscal year, and a transfer shall not occur until the
44 receiving employee has exhausted all of his or her accrued sick and va-
45 cation leave. An officer or employee shall not be eligible to transfer
46 vacation or sick leave unless his or her balance exceeds eighty (80)
47 hours, and in no event may an officer or employee transfer an amount of
48 accrued leave which that would result in an accrued balance of less than
49 eighty (80) hours.

1 (3) Upon separation from state employment and to the limits allowed
2 by subsection (2) of this section, all classified officers and employees
3 shall receive a lump sum payment for accrued but unused vacation leave at the
4 hourly rate of pay of that officer or employee.